

REMARKS/ARGUMENTS

Prior to entry of the present Amendment, claims 1-6, 8-12 and 14-17 were pending. In the present Amendment, claims 1, 3, 9 and 15 are amended, and new claims 18-21 are added. No new matter is added.

The Examiner rejected claims 1-6, 8-12 and 14-17 under 35 U.S.C. §103 as being obvious over PCT Patent Application Publication No. WO 03/035440 A1 (“Metz”) in view of U.S. Patent Application Publication No. US 2002/0083544 A1 (“Masuda”). The Examiner rejected claims 1-5, 8-11 and 15-17 as being obvious over PCT Patent Application Publication No. WO 02/22409 A1 (“Rapp”) in view of Masuda. Reconsideration of the rejections is respectfully requested.

Independent claim 1 defines a windshield wiper device (10) a plate-shaped base (12), on which at least one drive unit (18), at least one wiper bearing (14) and at least one retaining element (26) are arranged, characterized in that the plate-shaped base (12) has at least one predetermined breaking point (36) and stress-controlling elements (46), the stress controlling elements being arranged in such a way that a stress in the base (12) in an impact with the windshield wiper device (10) will increase on the predetermined breaking point (36) in such a way that the predetermined breaking point (36) will bend or even break off completely.

As acknowledged by the Examiner, neither Metz nor Rapp discloses a wiper device including a predetermined breaking point. The Examiner relies upon Masuda for the disclosure of a predetermined breaking point. Masuda discloses a motor bracket 17 including a fixing section 17*a* for fixing the bracket 17 to a vehicle body. An elliptical hole 17*b* is formed between the fixing section 17*a* and the wiper motor 13. Weak points 17*c* form side sections of the elliptical hole 17*b*. If a force is applied to the wiper motor 13, the weak points 17*c* rupture.

The Examiner contends that it would be obvious to modify the cast plate 16 of Metz or the wiper mounting 10 of Rapp to include the elliptical hole 17*b* with weak points 17*c* of Masuda. Applicants respectfully disagree. More specifically, Metz merely discloses a wiper system 10 including a cast plate 16 defining bearing housings 22, 28 and fastening eyelets 18 for connection to a vehicle body. There is no teaching or suggestion in Metz to provide a predetermined breaking point in the cast plate 16 or to weaken the cast plate 16 in any way. Similarly, Rapp discloses a wiper device including a wiper mounting 10 supporting a wiper bearing 24 and defining a fastening eyelet 22. There is also no teaching or suggestion in Rapp to

provide a predetermined breaking point in the wiper mounting 10 or to weaken the wiper mounting 10 in any way.

The Examiner then contends that any of the structure shown in Metz or in Rapp could provide the claimed stress-controlling elements. Applicants also respectfully disagree with this contention. Without a predetermined breaking point in either Metz or Rapp, there is no reason that any structure would provide a stress controlling element arranged in such a way that a stress in the base in an impact with the windshield wiper device will increase. Rather, Applicants submit that it would be detrimental to provide such stress controlling elements in the cast plate 16 of Metz or in the wiper mounting 10 of Rapp as such stress controlling elements could cause failure of that structure. Also, without a predetermined breaking point, there is no reason that any structure would provide such stress controlling elements being arranged in such a way that a stress in the base in an impact with the windshield wiper device will increase on the predetermined breaking point in such a way that the predetermined breaking point will bend or even break off completely. This contention is mere hindsight.

In summary, none of the cited references teaches a windshield wiper device with both predetermined breaking points and stress-controlling elements. Moreover, none of the cited references teaches that the stress-controlling elements are arranged in such a way that a stress in the base in an impact with the windshield wiper device will increase on the predetermined breaking point in such a way that the predetermined breaking point will bend or even break off completely.

For at least these independent reasons, Metz, Rapp and Masuda, alone or in combination, do not teach or suggest the subject matter defined by independent claim 1. Accordingly, claim 1 is allowable. Dependent claims 2-6, 8-12 and 14-17 and new dependent claims 18-21 depend from independent claim 1 and are allowable for at least the same and other independent reasons.

CONCLUSION

In view of the foregoing, Applicants respectfully request entry of the present Amendment and allowance of claims 1-6, 8-12 and 14-21.

If consultation will further prosecution, the undersigned is available during normal business hours at the below-identified telephone number.

Respectfully submitted,

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